

From: "Opalski, Dan" <Opalski.Dan@epa.gov>
To: "Croxtton, David" <Croxtton.David@epa.gov>
CC: "Chung, Angela" <Chung.Angela@epa.gov>
Date: 7/23/2018 7:10:54 AM
Subject: Fwd: Budd Inlet developments

Dave — Let's discuss.

Sent from my iPhone

Begin forwarded message:

From: (b) (6)
Date: July 23, 2018 at 7:05:08 AM PDT
To: Opalski.dan@Epamail.epa.gov
Subject: Budd Inlet developments

Dear Daniel Opalski,

I provided some standing in the Civil Action brought by Northwest Environmental Advocates regarding the Deschutes River TMDL mentioned below. I am writing to you today regarding a development that is moving forward at the head of East Bay, the location of the poorest water quality in Budd Inlet.

The Westman Mill development would include 85 residential units and commercial space. It would lie in the exact center of the historic estuary of Moxlie Creek, which currently runs through a half mile long culvert. We believe this would also have to be the center of any meaningful restoration effort and that the only way to achieve acceptable water quality in East Bay is going to involve improvements in these physical parameters. We have been systematically ignored, marginalized and silenced through the planning process.

We appealed to the Hearing Examiner who tossed out our appeal because we "lack standing". We appealed to Superior Court which on Friday also found that we lack standing. The same decision has been reached in two other appeals in the past month. It would appear that no citizen has standing where development is concerned. In this case the decision is based on three points: Not proving that we would be personally damaged. Not signing a letter with the acronym OUWL. And in Olympia, once a stream is placed in an underground pipe it no longer exists and how can one have standing on a nonexistent stream.

There has been no feasibility study for daylighting Moxlie Creek. No EIS on the development. The actual merits of our appeal will apparently never get a hearing.

We are now up against a wall. This week the developer could begin driving 100 foot long pilings into fill and sediments to reach anything resembling solid ground. We're concerned that once the pilings go in, the restoration option will be lost forever. We are hoping that the EPA might somehow intercede based on the Final EPA Action on the Deschutes River, Percival Creek and Budd Inlet Tributaries Multi-parameter TMDL. Throughout this process the impacts of physical parameters on biological or chemical parameters have never been considered.

(b) (6)

